

**REMARKS**

This Amendment is filed on May 26, 2005, with a Request for Continued Examination for the above-referenced application. This Amendment is submitted with a one-month extension of time, because an Amendment in response to the final Office Action was filed within two months of the final Office Action.

The Applicants thank the Examiner for the courtesy extended to the undersigned for the telephone interviews conducted subsequent to the Advisory Action. The telephone interviews included discussions of the differences between the claimed embodiments and the cited reference.

Claims 1 and 8 are amended to clarify the distinctive features of the claimed embodiments. Claims 1, 4-8, and 10-13 are pending after entry of the present Amendment.

**Rejections under 35 U.S.C. § 102(b):**

Claims 1, 4-8, and 10-13 are rejected under 35 U.S.C. § 102(b), as being anticipated by Ma et al. (U.S. Patent 5,920,725), hereinafter "Ma". For the reasons put forth below, Applicants respectfully submit that Ma fails to disclose each and every feature of the claimed embodiments of the present invention.

Ma discloses a distributed application with an adaptor 80 for updating objects cataloged by a meta server 70. Meta server 70 receives change requests from a runtime update tool 76 and modifies object class definitions. *See col. 7, lines 60-66, col. 8, lines 1-6, and Figure 3.* A compiler/linker 78 compiles and links the class definitions and generates modified class objects 68. *See col. 7, lines 6-9 and Figures 3 and 5.* Object adaptor 80 sends change notifications to object caches on both server machine 90 and client 88. Server objects 82 in a server cache is notified first before client objects 72 in a client cache, and changes to a

application database 64 are made first, then followed by changes to server objects 82 in a server-side application 86. Finally, client objects 72 listed in a client cache for client-side application 74 are updated. *See col. 8, lines 11-34, and Figure 5.*

In contrast, claimed embodiments of the present invention provide a JAVA platform that performs online software upgrades of an application in a middle-tier. The application has an original service module and an original control module. The original control module is upgraded by generating an upgraded control module, and the original service module is upgraded by creating an upgraded service module using the upgraded control module. However, the meta server 70 of Ma does not include an original service module and an original control module. Instead, the meta server 70 only performs the function of modifying object class definitions. The modified object class definitions are stored in the meta-server's non-volatile storage 62, but not in the meta server 70. In addition, a compiler/linker 78 takes the modified class definitions and compiles as well as links the modified class definitions to generate modified class objects 68. The meta server 70 does not generate modified class objects, nor include (e.g., store) any class objects (e.g., original or modified objects). The modified class objects 68 are then used to upgrade the server objects 82 and client objects 72. As a result, the meta server 70 also does not include the server objects 82 and client objects 72.

However, the application of the claims embodiments includes the original service module and the original control module. Since the original control module is upgraded by generating an upgraded the control module, then both the original control module and the upgraded control module are included in the application. Similarly, the original service module is upgraded by creating an upgraded service module using the upgrade control module, then the upgraded service module is also included in the application. Accordingly,

the original service and the original control module are upgraded in the application in the middle-tier.

Based on the discussion above, Ma fails to disclose an application (e.g., meta server 70) that includes an original service module and an original control module as well as an upgraded control module and an upgraded service module. In addition, Ma also fails to disclose an application, in the middle-tier, where modules are upgraded. That is, Ma discloses an object upgrade process that includes multiple components, such as the meta server 70, the compile/linker 78, and the object adaptor 80. In addition, object upgrades are completed in the server-application 86 and the client-application 74, which are multiple applications located in multiple tiers. Because of these differences, Ma fails to disclose each and every feature of the claimed embodiments.

Since Ma fails to disclose each and every feature of the claimed embodiments, Ma fails to anticipate the claimed invention. Hence, after consideration of the present Amendment, the application is now in a condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6911. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP003). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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